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EXAMINER

HASHEM, LISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,921

Applicant(s)

TISCHER, STEVEN NEIL

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-37 are pending in this office action.

***Information Disclosure Statement***

2. An initialed and dated copy of Applicant's IDS form 1449, Paper Nos. 4 and 5, are attached to the instant office action.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-7, 10, 12-18, 20-21, 23, and 25-37 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Application Publication No. US 2002/0080074 by Wang.

Regarding claim 1, Wang discloses a protector for a portable wireless communication device (Figure 1b, 10) that has a housing and a keypad, said protector comprising (see Abstract): a cover pivotally attached to the housing such that said cover or flip panel is pivotable from a first position wherein it covers the keypad (Figure 1a) to another position wherein the keypad is exposed (Figure 1b); and antenna attached to said cover (see Figures 3b, 3c).

Regarding claim 3, the protector of claim 1 mentioned above, wherein Wang further discloses said antenna is laminated to said cover (see Figures 3b, 3c; page 3, section 0038, lines 1-14; page 3, section 0042, lines 1-9).

Regarding claim 4, the protector of claim 3 mentioned above, wherein Wang further discloses said antenna is fabricated from a metal tape (page 2, section 0031, line 1 – page 3, section 0032, line 8).

Regarding claim 5, the protector of claim 4 mentioned above, wherein Wang further discloses said antenna is inherently fabricated from aluminum tape (page 2, section 0031, line 1 – page 3, section 0032, line 8).

Regarding claim 6, the protector of claim 1 mentioned above, wherein Wang further discloses said antenna comprises conductive particulate material attached to said cover (section 0031, line 1 – page 3, section 0032, line 8; section 0038, lines 1-14).

Regarding claim 7, the protector of claim 6 mentioned above, wherein Wang further discloses said conductive particulate material is embedded in said cover (see Figure 3a; section 0031, line 1 – page 3, section 0032, line 8; section 0038, lines 1-14).

Regarding claim 10, the protector of claim 1 mentioned above, wherein Wang further discloses an overlay layer covering at least a portion of said antenna (section 0031, line 1 – page 3, section 0032, line 8; section 0038, lines 1-14).

Regarding claim 12, the protector of claim 1 mentioned above, wherein Wang further discloses said antenna is embedded in said cover (see Abstract; see Figures 3a-3c; page 3, section 0038, lines 1-14).

Regarding claim 13, the protector of claim 12 mentioned above, wherein Wang further discloses said antenna comprises a metallic screen (page 3, section 0039, lines 1-5; page 4, section 0049, lines 10-15).

Regarding claim 14, the protector of claim 1 mentioned above, wherein Wang further discloses said cover comprises: a first cover portion; a second cover portion; and a flexible joint interconnecting the first cover portion with the second cover portion (page 2, section 0030, lines 10-13; see Figure 3b, 3c).

Regarding claim 15, the protector of claim 1 mentioned above, wherein Wang further discloses the housing has a first color and said cover inherently has said first color (see Figure 1a).

Regarding claim 16, the protector of claim 1 mentioned above, wherein Wang further discloses said cover has indicia provided thereon (see Figure 1b, 15).

Regarding claim 17, the protector of claim 1 mentioned above, wherein Wang further discloses said cover only covers a portion of said keypad when said cover is in said first position (see Figure 1a).

Regarding claim 18, the protector of claim 1 mentioned above, wherein Wang further discloses a biaser or spring (Figure 3d, 390) between said cover and a portion of the housing (page 3, section 0038, lines 9-14).

Regarding claim 20, Wang discloses a portable wireless communication device (Figure 1a, 10), comprising: a housing; a keypad (Figure 3c, 24) supported on said housing; a cover or flip panel movably attached to said housing; and an antenna member attached to said cover (see Abstract; see Figures 3b, 3c).

Regarding claim 21, the portable wireless communication device of claim 20 mentioned above, wherein Wang further discloses said cover is pivotally attached to said housing (see Figures 3b, 3c; page 2, section 0026, lines 1-8).

Regarding claim 23, the portable wireless communication device of claim 20 mentioned above, wherein Wang further discloses said antenna is fabricated from a metallic tape (page 2, section 0031, line 1 – page 3, section 0032, line 8).

Regarding claim 25, the portable wireless communication device of claim 18 mentioned above, wherein Wang further discloses said cover is pivotally attached to said housing by a hinge assembly comprising: at least one boss on said housing; at least one other boss on said cover; and a hinge pin extending between said at least one boss and said at least one other boss (see Figure 3d; page 3, section 0038, lines 9-14).

Regarding claim 26, the portable wireless communication device of claim 20 mentioned above, wherein Wang further discloses said antenna member is embedded in said cover (see Abstract; see Figures 3a-3c; page 3, section 0038, lines 1-14).

Regarding claim 27, the portable wireless communication device of claim 26 mentioned above, wherein Wang further discloses said antenna comprises a metallic screen (page 3, section 0039, lines 1-5; page 4, section 0049, lines 10-15).

Regarding claim 28, Wang discloses a portable wireless communication device (Figure 1a, 10), comprising: a housing; signal-receiving circuitry in said housing; signal-transmitting circuitry in said housing; and an antenna movably attached to said housing and capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry (see Abstract; page 2, section 0028, lines 1-14; page 3, section 0038, lines 1-14; page 3, section 0040, lines 1-7).

Regarding claim 29, the portable wireless communication device of claim 28 mentioned above, wherein Wang further discloses said antenna comprises a metallic tape attached to a

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portion of said housing adjacent to said signal-transmitting and said signal-receiving circuitry, said metallic tape further attached to a cover or flip panel movably affixed to said housing (see Figures 3a-3c; page 2, section 0030, line 1 – page 3, section 0032, line 8; page 3, section 0038, lines 1-14).

Regarding claim 30, the portable wireless communication device of claim 28 mentioned above, wherein Wang further discloses said cover is pivotally attached to said housing (see Figures 1a, 1b; page 2, section 0026, line 1 – page 2, section 0027, line 6).

Regarding claim 31, the portable wireless communication device of claim 21 mentioned above, wherein Wang further discloses said cover comprises a first cover and a second cover pivotally interconnected to said first cover (page 2, section 0030, lines 10-13; see Figure 3b, 3c).

Regarding claim 32, Wang discloses a portable wireless communication device (Figure 1a, 10), comprising: a housing member; signal-receiving means within said housing member; signal-transmitting means within said housing member; means for activating said signal-transmitting means, said means for activating supported by said housing member; means for selectively covering an exposed portion of said means for activating; and means for enhancing a transmitting ability of said signal-transmitting means to transmit a signal, said means for enhancing further enhancing a receiving ability of said signal-receiving means to receive another signal, said means for enhancing coupled to said means for selectively covering (see Abstract; page 2, section 0028, lines 1-14; page 3, section 0038, lines 1-14).

Regarding claim 33, the portable wireless communication device of claim 32 mentioned above, wherein Wang further discloses said means for enhancing comprises antenna means

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coupled to said means for selectively covering and said housing (see Abstract; see Figures 3a-3c; page 3, section 0038, lines 1-14).

Regarding claim 34, Wang discloses a method of protecting at least a portion of a portion of a keypad (Figure 3c, 24) supported in the housing of a portable wireless communication device, said method comprising movably affixing a cover or flip panel to the housing such that the cover may be selectively moved from a first position (Figure 3b, 33b) wherein at least a portion of the keypad is covered to another position (Figure 3c, 33a) wherein the at least a portion of the keypad is exposed (see Figures 3b, 3c).

Regarding claim 35, the method of claim 34 mentioned above, wherein Wang further discloses the portable wireless communication device (Figure 1a, 10) has signal-transmitting circuitry and signal-receiving circuitry therein and wherein said method comprises enhancing an ability of the signal-receiving circuitry to receive signals and enhancing an ability of the signal transmitting circuitry to transmit signals (see Abstract; page 3, section 0038, lines 1-14).

Regarding claim 36, the method of claim 35 mentioned above, wherein Wang further discloses said enhancing comprises capacitively coupling an antenna to the signal-receiving circuitry and said signal-transmitting circuitry (see Figures 3a-3c; page 2, section 0028, lines 1-14; page 3, section 0038, lines 1-14).

Regarding claim 37, the method of claim 36 mentioned above, wherein Wang further discloses said antenna is coupled to the cover and to the housing (see Abstract; page 3, section 0038, lines 1-14).



***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8, 9, 11, 19, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0080074 by Wang in view of U.S. Patent Application Publication No. US 2003/0021087 by Lunsford.

Regarding claim 2, the protector of claim 1 mentioned above, wherein Wang further discloses said cover is pivotally attached to said housing by hinges (see Figure 1a, 19; page 2, section 0026, lines 7-8).

Wang does not disclose said cover is pivotally attached to said housing by adhesive tape.

Lunsford discloses an electronically-enabled encasement for a portable wireless communication device or handheld computer (see Abstract; Figures 3A-3G). Said encasement is a dual-cover encasement. Optionally, the encasement (Figure 3A, 300) may further comprise a mechanical coupling (not shown) that enables the front portion and the back portion to be retained in a closed position. The mechanical coupling may be any kind of coupling mechanism available in the art, such as a male velcro element positioned on the front or the back portion and a female velcro element positioned on the other of the front and the back portions (page 6, section 0089, line 1- page 6, section 0090, line 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the portable wireless communication device of Wang to include a cover that

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is pivotally attached to said housing by adhesive tape as taught by Lunsford, to enable the cover to be closed. One of ordinary skill in the art would have been lead to make such a modification since using the velcro tape is relatively inexpensive and allows the user to easily change said tape if it becomes damaged.

Regarding claims 8 and 9, the protector of claim 1 mentioned above, wherein Wang further discloses said cover is a flip panel that provides protection to the keys from unintentional activation (page 2, section 0026, line 7 – page 2, section 0027, line 5; see Figures 1a, 1b).

Wang does not disclose said cover is transparent or translucent.

Lunsford discloses an electronically-enabled encasement for a portable wireless communication device or handheld computer (see Abstract; Figure 1a). The encasement comprises: an encasement portion configured to cover at least a portion of the handheld computer, including a front surface of the handheld computer providing access to a display; a spine engageable with an accessory slot of the handheld computer to detachably couple the encasement with the handheld computer; and at least one electronic component embedded in the encasement portion (page 1, section 0012, lines 1-9; page 5, section 0073, lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the portable wireless communication device of Wang to include a cover that is transparent or translucent as taught by Lunsford, to enable access to the display. One of ordinary skill in the art would have been lead to make such a modification since having a cover that is transparent would allow contents of the display to be viewed and protect the handheld computer from dust, dirt, and scratching.

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Regarding claim 11, the protector of claim 10 mentioned above, wherein please see the rejection of claim 8 to reject the protector in claim 11.

Regarding claim 19, the protector of claim 1 mentioned above, wherein Wang further discloses said cover is sized relative to half of the housing such that when the cover is pivoted to said another position, said cover supports the housing in an angular orientation on a surface (see Figure 1a).

Wang does not disclose said cover is sized relative to the housing.

Lunsford discloses an electronically-enabled encasement for a portable wireless communication device or handheld computer (see Abstract; Figure 1a). The encasement comprises: an encasement portion configured to cover at least a portion of the handheld computer, including a front surface of the handheld computer providing access to a display; a spine engageable with an accessory slot of the handheld computer to detachably couple the encasement with the handheld computer; and at least one electronic component embedded in the encasement portion (page 1, section 0012, lines 1-9; page 5, section 0073, lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the protector of Wang to include a cover that is sized relative to the housing as taught by Lunsford, to enable the cover to support the housing in an angular orientation on a surface. One of ordinary skill in the art would have been lead to make such a modification since having a cover that is sized relative to the housing would protect the handheld computer from dust, dirt, and scratching and the housing could be supported when the cover is opened and the keypad is exposed.

Regarding claim 22, the portable wireless communication device of claim 21 mentioned

above, wherein Wang further discloses said cover is pivotally attached to said housing by hinges (see Figure 1a, 19; page 2, section 0026, lines 7-8).

Wang does not disclose said cover is pivotally attached to said housing by adhesive tape.

Lunsford discloses an electronically-enabled encasement for a portable wireless communication device or handheld computer (see Abstract; Figures 3A-3G). Said encasement is a dual-cover encasement. Optionally, the encasement (Figure 3A, 300) may further comprise a mechanical coupling (not shown) that enables the front portion and the back portion to be retained in a closed position. The mechanical coupling may be any kind of coupling mechanism available in the art, such as a male velcro element positioned on the front or the back portion and a female velcro element positioned on the other of the front and the back portions (page 6, section 0089, line 1- page 6, section 0090, line 8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the portable wireless communication device of Wang to include a cover that is pivotally attached to said housing by adhesive tape as taught by Lunsford, to enable the cover to be closed. One of ordinary skill in the art would have been lead to make such a modification since using the velcro tape is relatively inexpensive and allows the user to easily change said tape if it becomes damaged.

Regarding claim 24, the portable wireless communication device of claim 21 mentioned above, wherein Wang further discloses said cover is a flip panel that provides protection to the keys from unintentional activation (page 2, section 0026, line 7 – page 2, section 0027, line 5; see Figures 1a, 1b).

Wang does not disclose said cover is transparent.

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Lunsford discloses an electronically-enabled encasement for a portable wireless communication device or handheld computer (see Abstract; Figure 1a). The encasement comprises: an encasement portion configured to cover at least a portion of the handheld computer, including a front surface of the handheld computer providing access to a display; a spine engageable with an accessory slot of the handheld computer to detachably couple the encasement with the handheld computer; and at least one electronic component embedded in the encasement portion (page 1, section 0012, lines 1-9; page 5, section 0073, lines 1-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the portable wireless communication device of Wang to include a cover that is transparent as taught by Lunsford, to enable access to the display. One of ordinary skill in the art would have been lead to make such a modification since having a cover that is transparent would allow contents of the display to be viewed and protect the handheld computer from dust, dirt, and scratching.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. US 2004/0027300 by Kim et al disclose a notebook computer comprising: a housing; a keypad supported on said housing; a cover movably attached to said housing; and an antenna member attached to said cover

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or call:**

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

June 4, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

